


THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL BOBOWSKI, ALYSON BURN, )  
STEVEN COCKAYNE, BRIAN CRAWFORD, ) Case No. C10-1859-JLR  
DAN DAZELL, ANGELO DENNINGS, )  
CHEYENNE FEGAN, SHARON FLOYD, )  
GREGORY GUERRIER, JOHANNA ) ~~PROPOSED~~ ORDER GRANTING  
KOSKINEN, ELENA MUNOZ-ALAZAZI ) MOTION FOR RETURN OF APPELLATE  
TSANG, and KYLE WILLIAMS, on behalf of ) BOND  
Themselves and all others similarly situated, )  
Plaintiffs, )  
v. )  
CLEARWIRE CORPORATION, )  
Defendant. )

The Court grants Objectors-Appellants Motion for Return of Appellate Bond and orders the return of the \$41,150.00 deposited with this Court on July 23, 2013. The clerk is authorized and directed to draw a check on the funds deposited in the registry of this court in the principal amount of \$41,150.00 plus all accrued interest, minus any statutory users fees, payable to Bandas Law Firm and mail or deliver the check Bandas Law Firm.

Dated: October 4, 2013

  
The Honorable James L. Robart

1 Presented by:

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5 **UNITED STATES DISTRICT COURT**  
6 **WESTERN DISTRICT OF WASHINGTON**  
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11 CHEYENNE FEGAN, SHARON FLOYD, )  
12 GREGORY GUERRIER, JOHANNA )  
13 KOSKINEN, ELENA MUNOZ-ALAZAZI )  
14 TSANG, and KYLE WILLIAMS, on behalf of )  
15 Themselves and all others similarly situated, )

16 Plaintiffs, )

17 v. )

18 CLEARWIRE CORPORATION, )

19 Defendant. )

Case No. C10-1859-JLR

THE HONORABLE JAMES L. ROBART

NOTE ON MOTION CALENDAR:  
Friday, October 4, 2013

20 **UNOPPOSED MOTION FOR RETURN OF APPELLANTS' APPEAL BOND MONEY**

21 Appellants respectfully move for the return of the full amount of the \$41,150 bond amount  
22 deposited with the clerk of this court on July 23, 2103 (Dkt. 161).

23 Appellants posted a \$41,150 bond with this court pursuant to an appeal bond order issued on  
24 July 8, 2013 (Dkt. 142). Plaintiffs-Appellees ("Plaintiffs"), Defendant-Appellee Clearwire  
25 Corporation ("Clearwire"), and Objectors-Appellants Jeremy de la Garza and Gordon Morgan  
26 ("Appellants") (collectively, "Parties") have stipulated in the Ninth Circuit Court of Appeals  
27 (attached as Exhibit 1) that, in exchange for the Parties each bearing their own costs on appeal of the  
28 abovementioned litigation in which the Ninth Circuit recently granted Plaintiffs' second motion for  
summary affirmance, no further appellate efforts will be undertaken, thereby allowing this Court's  
final approval of the underlying settlement to become final. No other consideration was exchanged  
for these promises.

1 Now that the parties have agreed that no further appellate efforts will be undertaken and the  
2 parties will each bear their own costs relating to the recent appeals, the Court should release  
3 Appellants' appeal bond.

4  
5 Dated: September 19, 2013

Respectfully submitted,

6 By: s/ Michael Iaria

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11 *Attorneys for Christopher A. Bandas*

12  
13 **CERTIFICATE OF SERVICE**

14  
15 I hereby certify that on this the 19<sup>th</sup> day of September 2013, I electronically filed the  
16 foregoing with the Clerk of the Court using the CM/ECF system thus effectuating service of such  
17 filing on all ECF registered attorneys in this case. I further certify that I served the following  
participants in the case that are not registered CM/ECF users by USPS First Class mail, postage  
prepaid.

18 Robert Prior  
19 2016 E. 6th Street  
20 Vancouver, WA 98661

21 s/ Michael Iaria  
22 Michael Iaria  
23  
24  
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26  
27  
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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

ANGELO DENNINGS, *et al.*,  
on behalf of himself and  
all others similarly  
situated,

*Plaintiffs - Appellees,*

v.

GORDON B. MORGAN and  
JEREMY DE LA GARZA

*Objectors - Appellants,*

v.

CLEARWIRE CORPORATION

*Defendant - Appellee.*

No. 13-35491

D.C. No 2:10-cv-1859-JLR  
Western District of Washington  
at Seattle

**JOINT STIPULATION**

By Order dated September 9, 2013, this Court granted Plaintiffs-Appellees' motion for summary affirmance of the district court's May 3, 2013 order awarding attorneys' fees and expenses; and denied all other pending motions as moot. (Order, No. 13-35491, Dkt. Entry 24.)

To the extent any further issues remain in this appeal, in accordance with FRAP Rule 42(b), Plaintiffs-Appellees ("Plaintiffs"), Defendant-Appellee

Clearwire Corporation ("Clearwire"), and Objectors-Appellants Jeremy de la Garza and Gordon Morgan ("Appellants") hereby agree to the dismissal of this appeal with each party to bear its own costs, and ask the Court to so order.

Regardless of whether further issues remain, Plaintiffs, Clearwire, and Appellants ask the Court to enter an order that each party will bear its own costs. Plaintiffs and Clearwire agree to each party bearing its own costs in exchange for the agreement of Appellants and Appellants' counsel to not seek any further appellate review in the above mentioned litigation, *Dennings et al. v. Clearwire Corp.*, No. 2:10-cv-1859-JLR (W.D. Wash.) (including Appellants' appeals to this Court). No other consideration is being exchanged for these agreements.

Dated: September 19, 2013

Respectfully submitted,

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*Attorneys for Christopher A. Bandas*

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 19<sup>th</sup> day of September 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system thus effectuating service of such filing on all ECF registered attorneys in this case. I further certify that I served the following participants in the case that are not registered CM/ECF users by USPS First Class mail, postage prepaid.

Robert Prior  
2016 E. 6th Street  
Vancouver, WA 98661

/s/ Christopher A. Bandas  
Christopher A. Bandas